From: Michael Honeycutt [michael.honeycutt@tceq.texas.gov]
Sent: Tuesday, February 26, 2013 3:54 PM
To: Casso, Ruben
Subject: FW: INSIDE EPA: EPA Advisers Seek To Continue Lead NAAQS Despite Dwindling Emissions

Hey Ruben,

The “TCEQ Toxicologist” never mentioned the word “bankrupt” during the conversation. Just that the plant closed.

Hope you’re doing well,
Mike

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From: Keith Sheedy
Sent: Tuesday, February 26, 2013 2:54 PM
To: Michael Honeycutt
Subject: FW: INSIDE EPA: EPA Advisers Seek To Continue Lead NAAQS Despite Dwindling Emissions

Bankruptcy?

At least one state regulator, meanwhile, is generally skeptical that stricter standards for lead, including the 2008
tightening of the NAAQS down to 0.15 ug/m3, will generate significant public health benefits.
A toxicologist with the Texas Commission on Environmental Quality says that most lead exposure comes from
ingestion, such as lead-based paints, food, medicine and toys, rather than emissions, so tightening the lead
NAAQS "will not result in any measurable health benefits." This toxicologist source says that the more-restrictive
lead standards have led to a bankruptcy of a lead battery recycling facility in the state. The source also says the
tighter lead NAAQS has pulled away resources from state agencies that might have been better spent elsewhere.
"People in CASAC think they're doing a good thing, but they don't see the big picture. They don't realize the

recommendations they make, there's two sides to every story, and the recommendation that they're making could
actually have an adverse impact on what they're trying to do because they're pulling resources away from other
programs," the official said, giving an example that money spent in Texas on lead monitoring as a result of the
stricter 2008 standard could have been better spent on education programs related to lead ingestion.

From: Johnson, Terry [mailto:Johnson.Terry@epa.gov]
Sent: Tuesday, February 26, 2013 10:21 AM
To: Keith Sheedy
Subject: FW: INSIDE EPA: EPA Advisers Seek To Continue Lead NAAQS Despite Dwindling Emissions

FYI. Looks like there could be some serious discussion about dropping the Pb NAAQS during the next review period in five years.

Note the quotes from the toxicologist at TCEQ near the bottom of the article under the "Health Benefits" heading. Was he referring to Exide Frisco as the battery recycling facility in Texas that was "forced into bankruptcy" by the 2008 Pb NAAQS?

Terry

From: Casso, Ruben
Sent: Tuesday, February 19, 2013 2:46 PM
To: Martinez, Maria; Johnson, Terry
Subject: INSIDE EPA: EPA Advisers Seek To Continue Lead NAAQS Despite Dwindling Emissions

EPA Advisers Seek To Continue Lead NAAQS Despite Dwindling
Emissions
Posted: February 19, 2013
EPA Clean Air Scientific Advisory Committee (CASAC) members are rebuffing a panelist's calls for EPA to weigh
scrapping its lead national ambient air quality standard (NAAQS) due to dwindling lead emissions, with several
CASAC members saying such a move is premature as the NAAQS is still helping achieve health benefits.
The panel is currently reviewing EPA scientific and policy documents for the agency's Clean Air Act-mandated five
year review of its lead standard, which EPA most recently revised down to 0.15 micrograms per cubic meter
(ug/m3) in 2008, 10 times more stringent than the previous combined primary and secondary limit of 1.5 ug/m3. In
a draft policy paper, agency staff has suggested that scientific uncertainties warrant retaining the existing standard.
Some CASAC members have already questioned the preliminary agency staff suggestion to retain the standard
and have argued that EPA needs to better justify that position. But some observers note there is no safe exposure

level to lead, and have questioned the utility of tightening a NAAQS close to zero-emissions levels. Setting such a stringent standard would effectively require all man-made sources of lead emissions to be shut down.

In advance of a Feb. 5-6 CASAC meeting in Cary, NC, panel member and Clarkson University Professor Philip Hopke filed comments saying, "I would hope we could see the United States moving to eliminate a NAAQS for airborne lead." He added, "Now is not yet the time, but this should be part of the discussion in the next round of review," suggesting that the panel take up the issue for the next five-year lead NAAQS review.

Lead emission levels have dropped significantly in the United States after the phase-out of lead in gasoline, combined with improved air pollution controls at industrial stationary sources of lead and growing awareness of the detrimental effects of the neurotoxin. Lead in aviation gas and wheel weights are both still major sources of emissions, but Hopke argues that if those sources are regulated that the NAAQS may be unnecessary.

"If we eliminate lead in aviation gas and in wheel weights, we will have removed the remaining major dispersed sources of lead other than resuspended soil. All of the remaining point sources whether lead or other metal processing could be handled" under Clean Air Act rules for hazardous air pollutants, Hopke wrote.

His comments echo those of some smelter industry officials who have urged EPA to delist lead as a "criteria" pollutant -- the air act mechanism that subjects pollutants to the health-based air quality standards -- and instead address contamination by other regulatory means, such as air toxics requirements and Superfund to address soil contamination.

But environmentalists and others have long opposed such an action, saying it is necessary to continue to drive reductions. Environmentalists have also sought to address other sources of lead, including in general aviation gas (avgas). They have sued EPA over what they claim is a years-long delay in issuing rules to eliminate lead in avgas, saying EPA is yet to respond to their petition from 2006 seeking new air rules for the fuel.

A bipartisan group of senators in a Sept. 19, 2011, letter urged the agency and the Federal Aviation Administration to "work closely together" with the aviation industry to develop an alternative to leaded aircraft fuel that is widely available before EPA imposes potential new limits designed to phase out lead in avgas.

Hopke in his preliminary comments noted the potential for future regulation of lead in avgas and said, "We will need to eliminate these final sources (aviation gasoline in particular), but then it is time for a serious discussion of the further need for a lead NAAQS or whether the resources that currently go into this process would be better used to address other widely dispersed pollutants from multiple sources such as benzene or mercury."

Airborne Lead

Other CASAC members at the meeting defended keeping the NAAQS in place, noting its ongoing role in keeping airborne lead levels low domestically, and its other role as an international resource for countries that continue to have major air lead emissions that benefit from having the latest scientific data on lead's health effects.

"There's a tremendous amount of lead still used in commerce, the value of the information here has global implications and it's something we shouldn't lose," said Michael Kosnett, a professor at the University of Colorado School of Medicine, who argued that it is important for EPA to retain the standard in future years.

Although contemporary levels of airborne lead have decreased, he noted the standard's value and impact beyond air emissions, such as a resource when studying lead exposure in occupational settings.

Other CASAC members said that with the dominant sources of airborne lead frequently changing, keeping the lead NAAQS would serve as insurance against unexpected new sources of lead.

And some panel members highlighted the remaining uncertainties concerning the metal, such as "millions of tons of lead" used in commerce that are still unaccounted for. "The fact is we don't know what happened to those millions of tons of lead and we don't have information on human exposure to those millions of tons of lead," said Syracuse University professor and CASAC member Cliff Davidson at the meeting.

Another CASAC member raised concerns that with so much lead unaccounted for in the United States, there could be a potential for "hot spots" to develop over time with elevated levels of lead.

Sean Hays, president of toxicology consulting group Summit Toxicology and a CASAC member, stressed the need to better understand the effects of past lead regulations before considering changing the lead NAAQS, along with the need to understand what has happened to legacy lead that is unaccounted for. He noted that changes in the bioavailability of lead is a "real time bomb that's coming."

The chair of the CASAC Lead Review Panel, North Carolina State University professor Christopher Frey, said he does not have a personal opinion on the matter and said the issue is "worth discussing."

He noted that with the possible phase-out of lead from aviation gas over the next five to 15 years, the question was if the remaining sources of airborne lead emissions would be kept in check by other regulations, along with the question over the level of resources that go into maintaining the lead NAAQS.

Health Benefits

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programs," the official said, giving an example that money spent in Texas on lead monitoring as a result of the
stricter 2008 standard could have been better spent on education programs related to lead ingestion.
But even as national airborne lead emissions drop, the lead NAAQS remains important for controlling local
sources of lead pollution, such as those from lead smelting facilities or lead battery recycling facilities, says an
industry lawyer who has represented clients in the lead industry that favor tightening the standard because they are
in compliance with the standard and want to force competitors to also meet the same emissions limits.
The source says that even if EPA issues rules to eliminate lead from aviation gas, "you're still going to have 15 or
so battery recyclers in the country" emitting lead. "[I]f there's no lead NAAQS, the communities immediately
surrounding those are going to be adversely affected" by unregulated emissions, the source says